

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:16-mc-1-DPM

ONE FINANCIAL CORPORATION

DEFENDANT

ORDER

Application for writ of execution, No 2, granted. A signed writ will follow. The Court directs the Clerk to issue the attached Clerk's notice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

1 March 2016

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff, Judgment Creditor,)	
)	
v.)	Case No. 4:16-mc-00001-DPM
)	
ONE FINANCIAL CORPORATION,)	
)	
Defendant, Judgment Debtor.)	
)	
_____)	

CLERK'S NOTICE

To: One Financial Corporation (the Debtor)
c/o AJ Kelly, Esq.
Office of the Arkansas Secretary of State
State Capitol, Room 256
Little Rock, AR 72201

You are hereby notified that the following property is being taken by the United States Government (the Government):

- a. **The Bank Account Funds:** Three deposit accounts maintained at One Bank & Trust, N.A. (One Bank) numbered XXX0326 (the General Account), XXX5397 (the WTB Securities Account), and XXX9538 (the Parker Property Account), and the funds therein.
- b. **The WTB Securities:** The trust preferred securities created on or about July 28, 2000, in an indenture between West Tennessee Bancshares, Inc., the issuer of the securities, and Wilmington Trust Company, the trustee of the indenture.
- c. **The Parker Property:** Real property located at 4 Country Club Circle, Maumelle, Arkansas 72113, more particularly described as follows:

Part of the North Half (N1/2) of Section 4, Township 2 North, Range 13 West and part of the South Half (S1/2) of Section 33, Township 3 North, Range 13 West, all in the Country Club of Arkansas Addition to the City of Maumelle, Pulaski County, Arkansas, and more particularly described as follows: Commencing at the Northeast Corner of Section 4; thence South 00 degrees 00 minutes 00 seconds West 30.04 feet; thence North 90 degrees 00 minutes 00 seconds West 2004.7 feet to the point of the beginning; thence North 89 degrees 49 minutes 22 seconds West 192.35 feet; thence North 00 degrees 07 minutes 54 seconds East 106.97 feet; thence South 89 degrees 46 minutes 31 seconds East 90.16 feet; thence North 00 degrees 00 minutes 00 seconds West 190.52 feet; thence South 82 degrees 32 minutes 35 seconds East 80.68 feet; thence South 00 degrees 00 minutes 00 seconds East 158.84 feet; thence South 90 degrees 00 minutes 00 seconds East 21.11 feet; thence South 00 degrees 22 minutes 26 seconds East 128.37 feet to the point of the beginning.

Together with the following easement for ingress and egress: Lands lying in the Southwest 1/4 of the Southeast 1/4 of Section 33 in Township 3 North, and in the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 2 North, all in Range 13 West, Pulaski County, Arkansas, more particularly described as follows: Commencing at the Northeast corner of Section 4; thence North 00 degrees 00 minutes 00 seconds East 7.37 feet; thence North 90 degrees 00 minutes 00 seconds West 1789.33 feet to the point of beginning; thence South 00 degrees 04 minutes 33 seconds East 356.97 feet; thence South 00 degrees 04 minutes 34 seconds East 87.28 feet; thence South 14 degrees 59 minutes 22 seconds East 67.56 feet; thence South 00 degrees 08 minutes 15 seconds East 99.27 feet; thence South 84 degrees 39 minutes 47 seconds West 70.06 feet; thence North 00 degrees 08 minutes 15 seconds West 580.75 feet; thence North 89 degrees 30 minutes 17 seconds West 162.34 feet; thence North 00 degrees 22 minutes 26 seconds West 57.32 feet; thence South 85 degrees 36 minutes 43 seconds East 115.74 feet; thence South 00 degrees 07 minutes 46 seconds East 14.46 feet; thence South 89 degrees 30 minutes 17 seconds East 100.14 feet to the point of the beginning.

The Government is taking this property pursuant to a final court judgment in *United States v. One Financial Corp.*, No. 1:15-cv-01044-RDM (D.D.C.) (the Judgment), which has been registered in this Court as *United States v. One Financial Corp.*, No. 4:16-mc-00001 (E.D. Ark.), and in the Circuit Court for Pulaski County as *United States v. One Financial Corp.*, No. 60CV-16-480 (Pulaski Cnty. Cir. Ct.). The Judgment is in the total amount of

\$47,905,500, is unpaid, and is the result of the Debtor's violation of the federal False Claims Act, 31 U.S.C. §§ 3729–33.

In addition, you are hereby notified that there are exemptions under the law which may protect some of this property from being taken by the Government if the Debtor can show that the exemptions apply. Different property may be exempted with respect to the State in which the Debtor resides. Below is a summary of the major exemptions which apply in most situations in the State of Arkansas:

Major Exemptions under Federal Law

1. Social Security benefits and Supplemental Social Security income (42 U.S.C. § 407).
2. Veterans' benefits (38 U.S.C. § 3101).
- 2a. Member of armed services (10 U.S.C. § 1440; 38 U.S.C. § 562).
3. Federal civil service retirement benefits (5 U.S.C. § 8346; 22 U.S.C. § 4060(c)).
4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
5. Longshoremen and Harborworker's Compensation Act (33 U.S.C. § 916).
6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. §§ 1108–1109(a)–(c)).
- 7a. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m) and 352(e)).
8. Compensation for war risk hazards (42 U.S.C. § 1717).
9. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
 - 9a. \$17,425 in equity in a residence.
 - 9b. \$2,775 in equity in a motor vehicle.

- 9c. \$1,150 in jewelry.
- 9d. \$9,300 in personal property (however, no single item worth more than \$450 can be claimed as exempt).
- 9e. Property totaling up to \$925 in value, plus up to \$8,725 of any unused amount of the exemption provided in 9(a) above.
- 9f. \$1,750 in equity in professional books, implement, or tools, of your trade or your dependent's trade.
- 9g. Any unmaturred life insurance contract you own, other than credit life insurance.
- 9h. The aggregate value, up to \$9,300, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependent of the insured.
- 9i. Professionally prescribed health aids for you or your dependents.
- 9j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits, and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependents.
- 9k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependents, subject to the limitations set forth in 11 U.S.C. § 522(d)(10)(E)(i)–(iii).
- 9l. Your right to receive, or property that is traceable to: (i) an award under a crime victim's reparation law; (ii) a payment on account of the wrongful death of an individual of whom you were a dependent, but only to the extent reasonably necessary for your support or the support of your dependents; (iii) a payment under a life insurance contract that insured an individual of whom you were a dependent on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependents; (iv) a payment, not to exceed \$17,425, on account of personal bodily injury suffered by your or by an individual of whom you are a dependent; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph; or (v) a payment in compensation of loss of your future income or the future earnings of an individual of whom you are, or were, a dependent, but only to the extent reasonably necessary for your support or the support of your dependents.

Major Exemptions under State Law

1. Burial places (Ark. Code § 16-66-207).
2. Wages for sixty (60) days (Ark. Code § 16-66-208).
3. Moneys paid or payable to any resident of Arkansas under an insurance policy providing for the payment of life, sick, accident, or disability benefits (Ark. Code § 16-66-209).
4. The homestead of any resident of Arkansas who is married or the head of a family (Ark. Code § 16-66-210).
5. Wedding rings ((Ark. Code § 16-66-219).
6. Assets held in, or payments from, a pension, profit-sharing, or similar plan or contract, including a retirement plan for self-employed individuals, or under an individual retirement account or an individual retirement annuity, including a simplified employee pension plan (Ark. Code § 16-66-220).
7. Assets held in, or payments from, a government or church plan or contract (Ark. Code § 16-66-220).

If you are the Debtor, you have a right to ask the Court to return your property to you if you think the property the Government is taking qualifies under one of the above exemptions, or if you think you do not owe the money to the Government that it says you do.

If you want a hearing, you must notify the Court within 20 days after you receive this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court, James W. McCormack, United States District Court, Eastern District of Arkansas, 500 West Capitol Avenue, Little Rock, AR 72201. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Clerk of the Court. You must also send a copy of your request to the Government care of Adam Tarosky, United States Department of Justice, Civil Division, P.O. Box 261, Ben Franklin Station, Washington, DC 20044, and Richard Pence, United States Attorney's Office, 425 West Capitol Avenue, Suite 500, Little Rock, AR 72201, so that the Government will know

you want a hearing. The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the Judge why you believe the property the Government has taken is exempt, or why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the payment used toward the money you owe the Government.

If you think you live outside the Federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court, James W. McCormack, United States District Court, Eastern District of Arkansas, 500 West Capitol Avenue, Little Rock, AR 72201. You must also send a copy of your request to the Government care of Adam Tarosky, United States Department of Justice, Civil Division, P.O. Box 261, Ben Franklin Station, Washington, DC 20044, and Richard Pence, United States Attorney's Office, 425 West Capitol Avenue, Suite 500, Little Rock, AR 72201, so that the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

☐ I request a hearing because:

☐ I claim that the property the Government is taking is exempt because:

JAMES W. MCCORMACK
CLERK OF COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

BY: _____
DEPUTY CLERK OF COURT